

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 2973

                                  By: Olsen, **Hardin (David)** and  
  **West (Rick)**

8                                   AS INTRODUCED

9           An Act relating to counseling; creating the Parental  
10           and Family Rights in Counseling Protection Act;  
          preempting field of legislation relating to sexual  
11           orientation change efforts and gender dysphoria  
          resolution efforts; nullifying any federal rule,  
12           statute or executive order relating to sexual  
          orientation change efforts and gender dysphoria  
13           resolution efforts; defining terms; prohibiting  
          government from restricting certain counseling by a  
14           mental health provider or religious advisor;  
          prohibiting government from restricting certain  
15           parental rights; providing for certain construction;  
          providing for the assertion of certain claims;  
16           permitting mental health providers or religious  
          advisors to engage in sexual orientation change  
17           efforts and certain gender dysphoria resolution  
          efforts with children; providing for codification;  
18           and declaring an emergency.

21   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22           SECTION 1.           NEW LAW           A new section of law to be codified  
23           in the Oklahoma Statutes as Section 1925.19 of Title 59, unless  
24           there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Parental and  
2 Family Rights in Counseling Protection Act".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1925.20 of Title 59, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. The State Legislature hereby occupies and preempts the  
7 entire field of legislation in this state touching in any way  
8 federal or state prohibitions against sexual orientation change  
9 efforts and gender dysphoria resolution efforts to the complete  
10 exclusion of any order, ordinance or regulation by any municipality  
11 or other political subdivision of this state.

12 B. Any federal statute, rule or executive order, federal or  
13 state judicial order or judicial findings that would have the effect  
14 of prohibiting sexual orientation change efforts or gender dysphoria  
15 resolution efforts shall be null, void, unenforceable, and of no  
16 effect in the State of Oklahoma.

17 SECTION 3. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1925.21 of Title 59, unless  
19 there is created a duplication in numbering, reads as follows:

20 As used in the Parental and Family Rights in Counseling  
21 Protection Act:

22 1. "Aversion therapy" means any counseling by a mental health  
23 provider that exposes or asks a patient or client to undergo  
24 physical pain, such as electroshock or electroconvulsive therapy,

1 touch therapy, pornography exposure, or vomit-induction therapy, in  
2 order to change sexual behaviors or gender-identity expressions or  
3 to eliminate or reduce sexual or romantic attractions or feelings  
4 toward individuals of the same sex;

5 2. "Counseling" means all communication between a mental health  
6 provider or a religious advisor and a patient or client intended to  
7 aid the patient or client in his or her self-determined objectives;

8 3. "Mental health provider" means a physician specializing in  
9 the practice of psychiatry; a psychologist; a psychological  
10 assistant, intern, or trainee; a licensed marriage and family  
11 therapist; a registered marriage and family therapist, intern, or  
12 trainee; a licensed educational psychologist; a credentialed school  
13 psychologist; a licensed clinical social worker; an associate  
14 clinical social worker; a licensed professional clinical counselor;  
15 a registered clinical counselor, intern, or trainee; and any other  
16 person designated as a mental health professional under state law or  
17 regulation;

18 4. "Patient" or "client" means any person, including persons  
19 under eighteen (18) years of age, under the care of a mental health  
20 provider or religious advisor;

21 5. "Political subdivision" means a municipality, a school  
22 district, a county, or a public trust where the sole beneficiary or  
23 beneficiaries are a city, town, school district, or county;

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1       6. "Religious advisor" means any pastor, preacher, minister,  
2 priest, rabbi, imam, or other ecclesiastical dignitary of any  
3 denomination who has been duly ordained or authorized by the  
4 religious organization to which he or she belongs;

5       7. "Sexual orientation change efforts" and "gender dysphoria  
6 resolution efforts" mean any counseling, psychotherapy, nonmedical  
7 psychiatric services, or communication by mental health providers or  
8 religious advisors that seeks to reduce or eliminate unwanted same-  
9 sex attraction or gender dysphoria. This includes efforts to change  
10 sexual behaviors or gender-identity expressions and to eliminate or  
11 reduce sexual or romantic attractions or feelings toward individuals  
12 of the same sex; and

13       8. "State" means the State of Oklahoma or any office,  
14 department, agency, authority, commission, board, institution,  
15 hospital, college, university, public trust, or other  
16 instrumentality thereof.

17       SECTION 4.       NEW LAW       A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1925.22 of Title 59, unless  
19 there is created a duplication in numbering, reads as follows:

20       A. Neither the state nor any political subdivision thereof  
21 shall prohibit or restrict any mental health provider or religious  
22 advisor from providing counseling or any patient or client from  
23 receiving counseling intended to aid patients or clients in their  
24 self-determined objectives of reducing, eliminating, resolving, or

1 addressing unwanted same-sex attractions, behaviors, identity,  
2 sexual or gender-identity expressions, or unwanted gender dysphoria.  
3 A mental health provider or religious advisor shall have the liberty  
4 to use any therapy they choose, provided that it is in the best  
5 interest of the client and within the ethical bounds of the  
6 profession.

7 B. Neither the state nor any political subdivision thereof  
8 shall restrict the rights of parents or legal guardians from  
9 obtaining counseling, including sexual orientation change efforts  
10 and gender dysphoria resolution efforts, for patients or clients who  
11 are their children and who experience unwanted same-sex attractions,  
12 behaviors, identity, sexual or gender-identity expressions, or  
13 unwanted gender dysphoria.

14 C. No part of the Parental and Family Rights in Counseling  
15 Protection Act may be used as justification by parents, legal  
16 guardians, mental health providers, or religious advisors to subject  
17 patients or clients to aversion therapy for the purpose of changing  
18 sexual behaviors or gender-identity expressions, to eliminate or  
19 reduce sexual or romantic attractions or feelings toward individuals  
20 of the same sex, or to reduce or eliminate gender dysphoria.

21 D. A mental health provider, religious advisor, patient, or  
22 client whose freedom of speech or communication in the context of  
23 counseling has been violated under subsection A of this section may  
24 assert that violation as a claim or defense in a judicial proceeding

1 and may obtain appropriate relief against the state or any political  
2 subdivision thereof. Standing to assert a claim or defense under  
3 this section shall be governed by the general rules of standing.  
4 Prevailing mental health providers, religious advisors, patients, or  
5 clients under this section shall be entitled to appropriate attorney  
6 fees and costs.

7 SECTION 5. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1925.23 of Title 59, unless  
9 there is created a duplication in numbering, reads as follows:

10 A mental health provider or religious advisor may engage in  
11 sexual orientation change efforts or nonmedical gender dysphoria  
12 resolution efforts with a child under eighteen (18) years of age.

13 SECTION 6. It being immediately necessary for the preservation  
14 of the public peace, health or safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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18 COMMITTEE REPORT BY: COMMITTEE ON STATE POWERS, dated 02/09/2022 -  
19 DO PASS, As Coauthored.

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